

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEROME MOORE, K-70518,

Plaintiff,

vs.

B. SHIELDS, et al.,

Defendants.

No. 02-CV-90-DRH

MEMORANDUM & ORDER

Herndon, District Judge:

Before the Court is a motion in limine submitted by Defendants Chad Adams, Stacey Barnett, Terry Caliper, Rick Daughtery, Clarence Faust, David Folsom, Brock Harris, Charles Hinsley, Steven Miller, B. Neighbors, Eric Plott, Sam Riley, Curtland Sawyer, Brad Shield, James Starkweather, James Studer, Jerrod Walker, Henry Waller, Brian Watts, Albert Werheim, George Welborn, Don Wollard, Derek Wright, and Vickie Wright. (Doc. 64.) The motion requests that the Court bar Plaintiff from presenting testimony or evidence that conflicts with the following:

- (1) that Plaintiff struck Officer Barnett with his head on September 11, 2000;
- (2) that Plaintiff kicked Officer Daughtery in the chest on September 12, 2000; and
- (3) that Plaintiff struck Officer Neighbors and spit on Officer Studer on June 16, 2001.

(Doc. 64.) Movants argue Plaintiff is barred from presenting testimony or evidence that conflicts with the above because he has been found guilty of committing such

acts in a prison disciplinary proceeding that has not been set aside.

The Court **GRANTS** Defendants' motion in limine. (Doc. 64.) In ***Edwards v. Balisok***, the Supreme Court held that a claim which would necessarily imply the invalidity of a prison disciplinary proceeding may not be brought pursuant to **42 U.S.C. § 1983** until the proceeding has been vacated, overturned, or otherwise set aside. **520 U.S. 641 (1997)**(extending ***Heck v. Humphrey***, **512 U.S. 477 (1994)**). Because prison proceedings have concluded that Plaintiff committed the acts noted above, he cannot now contest those findings in this § 1983 suit by presenting conflicting testimony or evidence.

IT IS SO ORDERED.

Signed this 8th day of July, 2005.

/s/ David RHerndon
United States District Judge